

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

B.B., a minor, by and)
Through his mother and next friend,)
OWENA KNOWLES,)
)
Plaintiff,) CASE NO.:
) 3:06-CV-00715-MHT
v.)
)
PAWN CITY, INC.; NORINCO)
a/k/a CHINA NORTH INDUSTRIES)
CORPORATION, et al.,)
)
Defendants.)

MOTION TO WITHDRAW MOTION TO DISMISS

COMES NOW the defendant, Qiqihar Hawk Industries Co. Ltd., and hereby moves this Court for permission to withdraw its Motion to Dismiss, and in support thereof would show the Court as follows:

1. Qiqihar Hawk moved to dismiss the Complaint for lack of personal jurisdiction over this defendant. Said lack of personal jurisdiction was premised upon the fact that this defendant did not manufacture the product at issue and it did not do business in Alabama.

2. While defendant continues to maintain that it did not manufacture the product, it does admit that it issued a Certificate of Inspection – a legality required by Chinese law – for the product.

3. Accordingly, this defendant does not contest personal jurisdiction.

WHEREFORE, the foregoing considered, defendant requests the Court for permission to withdraw its Motion to Dismiss. Defendant is also filing concurrently herewith an Answer to plaintiff's Complaint.

Respectfully submitted,

/s/Todd M. Higey

Todd M. Higey
Ala. Bar No. HIG019
Attorney for Qiqihar Hawk
Industries Co. Ltd.
ADAMS AND REESE LLP
2100 3rd Avenue North, Suite 1100
Birmingham, Alabama 35203-3367
Telephone: (205) 250-5000
Fax: (205) 250-5034
E-mail: todd.higey@arlaw.com

CERTIFICATE OF SERVICE

I hereby certify that on August 13, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the persons listed below:

David J. Hodge, Esq.
PITTMAN, DUTTON, KIRBY & HELLUMS, P.C.
2001 Park Place North
1100 Park Place Tower
Birmingham, Alabama 35203

James C. Barton, Jr., Esq.
Alan D. Mathis, Esq.
JOHNSTON, BARTON, PROCTOR & POWELL, LLP
2900 AmSouth/Harbert Plaza
1901 Sixth Avenue North
Birmingham, Alabama 35203

Nick Wooten, Esq.
WOOTEN LAW FIRM, P.C.
P.O. Drawer 290
Lafayette, Alabama 36862

John D. Gleissner, Esq.
ROGERS & ASSOCIATES
3000 Riverchase Galleria
Suite 650
Birmingham, Alabama 35244

/s/Todd M. Higey
Of Counsel